

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 8:18-cr-337-MSS-AEP**

**LAMONT BELLAMY**

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**ORDER**

This cause comes before the Court for consideration of Defendant's Motion to Suppress Tangible Evidence and Request for Evidentiary Hearing, (Dkt. 29), and the Government's response in opposition thereto. (Dkt. 33)

Defendant contends that evidence seized subsequent to a traffic stop of a vehicle in which Defendant was a passenger should be suppressed because law enforcement conducted the traffic stop without reasonable suspicion. (Dkt. 29) Although Defendant acknowledges that there existed an active arrest warrant for the driver of the vehicle, Lennis Mitchell, at the time of the traffic stop, Defendant asserts law enforcement had no reasonable basis to believe that Mr. Mitchell was driving the particular vehicle stopped, a 2012 white Dodge Charger. (Id. at 6 n.8)

Defendant asserts that there was no traffic infraction that could form the basis of reasonable suspicion to stop the vehicle and concludes that the stop must have been based on an anonymous tip by an unknown individual whose credibility has not been tested. (Id. at 5–6) Notably, however, Defendant admits that “if law enforcement did have sufficiently reliable information to rely upon to know that Mr. Mitchell, who had an

active warrant, would be located within the 2012 white Dodge Charger, then the Defendant's suppression argument collapses because the warrant would allow law enforcement to approach the vehicle and conduct at least a traffic stop." (Id. at 7 n. 9)


In response, the Government clarifies that the basis for stopping Mr. Mitchell's vehicle was not a traffic violation or an anonymous tip, but instead was the real-time location data of Mr. Mitchell's cellular device which indicated that Mr. Mitchell's cell phone was traveling in the 2012 white Dodge Charger just before the officers attempted to stop the vehicle. (Dkt. 33 at 2–3) The Government explains that it was permitted to receive the location data of Mr. Mitchell's cell phone pursuant to a court-issued warrant, which the Government attached to its response. (Id. at 9–10, Dkt. 33-1)

The Court finds the fact that Mr. Mitchell had an active warrant out for his arrest coupled with the fact that the cell phone location data of Mr. Mitchell's phone indicated that Mr. Mitchell's cell phone was in the 2012 white Dodge Charger gave law enforcement at least reasonable suspicion to stop the vehicle. Therefore, the evidence seized as a result of the stop will not be suppressed.

The Court notes that Defendant did not have the benefit of the state court warrant concerning Mr. Mitchell's cell phone location data at the time he filed the instant Motion because the Government provided defense counsel with the warrant six (6) days after Defendant filed the instant Motion. However, Defendant has not since sought leave to file a reply to address any claimed infirmity of the procured warrant. In fairness, nevertheless, the Court will permit Defendant to address any viable issues concerning this warrant on a motion for reconsideration.

Accordingly, it is hereby **ORDERED** that Defendant's Motion to Suppress Tangible Evidence and Request for Evidentiary Hearing, (Dkt. 29), is **DENIED**. Defendant shall have **fourteen (14) days** from the date of this Order to file a motion for reconsideration of this Order.

**DONE and ORDERED** in Tampa, Florida, this 29th day of January, 2019.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record  
United States Marshal Service  
United States Probation Office  
United States Pretrial Office